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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 GAIL McCaughean, No. C-06-1558 MMC

12 Plaintiff,

13 v. ORDER VACATING CASE
14 ASTRAZENECA PHARMACEUTICALS,
15 L.P., et al., MANAGEMENT CONFERENCE

16 Defendants

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18 Before the Court is plaintiff's Case Management Conference Statement, filed May
19 22, 2006, by which plaintiff seeks to continue the June 2, 2006 case management
20 conference in the instant action by approximately 120 days. Plaintiff states a continuance
21 is necessary because she anticipates the instant action will be transferred for inclusion in
22 MDL No. 1596, In re Zyprexa Products Liability Litigation, and because she has not yet
23 served all defendants. Because the instant action was filed February 28, 2006, the 120-
24 day deadline for plaintiff to serve defendants, pursuant to Rule 4(m) of the Federal Rules of
25 Civil Procedure, has not yet elapsed.

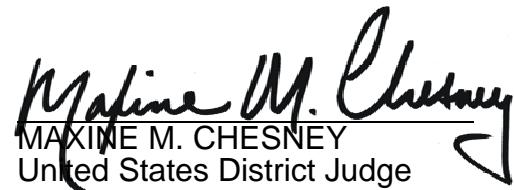
26 The Court further notes that a motion to dismiss for lack of subject matter
27 jurisdiction, filed by defendants Astrazeneca Pharmaceuticals, L.P., and Astrazeneca, L.P.,
28 is set for hearing on June 23, 2006.

1 Accordingly, for good cause shown, the June 2, 2006 case management conference
2 is hereby VACATED, and will be reset, if necessary, after resolution of the motion to
3 dismiss.

4 The deadline to serve the remaining defendants, pursuant to Rule 4(m) of the
5 Federal Rules of Civil Procedure, remains in effect.

6 **IT IS SO ORDERED.**

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8 Dated: May 24, 2006


MAXINE M. CHESNEY
United States District Judge

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